

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH SIMMONS, JR.,

Plaintiff,

v.

CIVIL CASE NO. 05-60017
HON. MARIANNE O. BATTANI

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court having reviewed the Magistrate Judge's Report and Recommendation, filed on January 18, 2006, and no objections having been filed thereto,

IT IS SO ORDERED that the Report and Recommendation is **ADOPTED** and Defendant's Motion for Summary Judgment is **GRANTED. IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED.**

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: February 13, 2006

CERTIFICATE OF SERVICE

A Copy of this Order was served upon Mikel Lupisella, and Janet Parker, on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
DEPUTY CLERK